

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CHRISTYANNA KARPENSKI,

Plaintiff,

V.

AMERICAN GENERAL LIFE COMPANIES,
LLC, d/b/a AMERICAN GENERAL, et al.,

Defendant.

CASE NO. C12-1569RSM

ORDER ON MOTION TO COMPEL AND MOTION TO STRIKE

This matter is before the Court for consideration of Plaintiff's motion to compel, together with Defendants' motion to strike Plaintiff's motion. Dkt. ## 22, 29. Having considered the motions, the responses, and the balance of the file, the Court now finds and rules as follows:

(1) Motion to Strike (Dkt. # 29)

Defendants have moved to strike Plaintiff's motion to compel, asserting that Plaintiff failed to comply with the certification requirements of Fed.R.Civ.P. 37 and Local Rule CR 37. A motion to strike is an improper response to a motion and there is no provision for it under the local rules. In effect, it duplicates the opposition to Plaintiffs' motion to compel that was filed the same day at Dkt. # 27. Accordingly, Defendants' motion to strike shall itself be STRICKEN. The Clerk shall strike this motion (Dkt. # 29) from the Court's calendar.

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1 (2) Motion to Compel (Dkt. # 22)

2 Plaintiff has filed a motion to compel discovery, asking that Defendants be compelled to produce
3 documents responsive to her first Set of Requests for Production. Defendants have opposed the motion,
4 asserting that the requested materials are either not discoverable, or are related to Plaintiff's bad faith
5 and extra-contractual claims, as to which a stay of discovery has been requested. As the Court has now
6 granted Defendants' motion for bifurcation of issues and a stay of discovery with respect to certain
7 claims, Plaintiff's motion is largely moot. Accordingly the motion is STRICKEN, without prejudice to
8 renewal with respect to discovery related to the claims going forward at this time, namely Plaintiff's
9 breach of contract claim and Defendants' rescission counterclaim.

10 Dated this 20th day of December 2012.

11 
12 RICARDO S. MARTINEZ
13 UNITED STATES DISTRICT JUDGE

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